

CLAUDE JURCHIN,)
)
Plaintiff,)
)
vs.) Case No. 4:17 CV 2509 RWS
)
PATRICK LUEBBERING,)
)
Defendant.)

For the reasons stated on the record during today's hearing, I must dismiss plaintiff's complaint for lack of subject matter jurisdiction. Plaintiff has sued a state actor in his official capacity to challenge the termination of his state benefits. Jurisdiction over that claim is vested by state statute (Mo. Rev. Stat. § 208.100) in the circuit court, not here in federal court. Although plaintiff also complains about possible termination of federal benefits, he has not sued any federal agencies in this action. Any amendment to his complaint would be futile at this point as plaintiff has not exhausted his administrative remedies with respect to challenging the termination of any federal benefits. I attempted to assist plaintiff by asking an Assistant United States Attorney to briefly review the record in this case to determine if agency action may be appropriate. I urge plaintiff to follow any

recommendations he may receive with respect to any benefit determinations and to cooperate with the relevant agencies by providing the requested information.

Accordingly,

IT IS HEREBY ORDERED that this case is dismissed for lack of subject matter jurisdiction.

A separate Order of Dismissal is entered this same date.

A handwritten signature in cursive script, appearing to read "Rodney W. Sippel", is written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 1st day of February, 2018.